

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 14275US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,076

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR  
TV INTERFACE FOR  
COORDINATING MEDIA  
EXCHANGE WITH A MEDIA  
PERIPHERAL

Examiner: Macilwinen, John Moore Jain

Group Art Unit: 2142

Confirmation No. 5075

*Electronically Filed on November 12, 2009*

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: November 12, 2009

By: /Joseph M. Butscher/  
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### **REMARKS**

The present application includes pending claims 1-34, all of which have been rejected.

The Applicants respectfully submit that the specification provides ample support for claims 27, 28, 31, and 32. See April 28, 2009 Amendment at pages 8-9. The Applicants provide explicit citations to the specification showing the claim support. See *id.* However, the Office Action essentially responds to this detailed explanation by summarily concluding that "Applicant's Specification fails to provide support for these limitations...." See August 14, 2009 Office Action at page 2. Due to the detailed explanation of support set forth in the Amendment at pages 8-9, the Applicants respectfully submit that the Office Action fails to establish a *prima facie* case under 35 U.S.C. 112.

The Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of anticipation with respect to claims 1-6, 8-15, and 17-24. See April 28, 2009 Amendment at pages 10-12. The Office Action fails to grasp that the claim recites three different locations: **(1)** the home location, **(2)** the first geographic location, and **(3)** the second geographic location, each of which is separate and distinct from one another. Further, the television in the **home location** provides the controlling communication to transfer media **from the first geographic location to the second geographic location**.

**Note**, claim 1 does **not** recite that media is being transferred from the home location to the first or second geographic location. Instead, the television in the home

location provides controlling of communication that result in the transfer of media from the first location to the second location, both of which are separate and distinct from the home location.

In stark contrast to claim 1, while McKenna discloses that one PIO may propagate a "record action" to other PIOs, McKenna does not describe, teach or suggest that media is being sent between locations (e.g., from a first geographic location to a second location) **based on a command from a separate and distinct location** (e.g., a home location). See April 28, 2009 Amendment at pages 10-12. Indeed, McKenna discloses "broadcast center 110" that broadcasts programming. See McKenna. at column 6, lines 7-10.

**McKenna does not describe, teach or suggest that one location is commanding media to be sent from STB 102a to 102b, or vice versa, both of which are separate and distinct from the commanding location.** See April 28, 2009 Amendment at pages 10-12.

The Office Action has not cited to anything in McKenna that describes, teaches or suggests that media is sent from one location to another **based on a command from a location that is separate, distinct and remote from the first two locations.** Indeed, there simply is nothing in McKenna that describes, teaches or suggest such an arrangement. See April 28, 2009 Amendment at pages 10-12

In general, the Applicants respectfully submit that Office Action has failed to demonstrate that McKenna discloses "transferring the **media** from a first media processing device at a **first geographic location** that is remotely located from the

**home location** to at least a second media processing device **at a second geographic location that is also remotely located from the home location** according to said controlling communication **from said television in the home location**,” as recited in claim 1 or 11, for example. *See id.* Thus, for at least these reasons, the Office Action has failed to establish a *prima facie* case of anticipation with respect to claims 1, 11 or the claims that depend therefrom.

McKenna also does not describe, teach or suggest “a television within a media processing system **at a home location** that is remotely located from the **first geographic location**, said television is utilized to arrange media delivery from a **second geographic location** that is remotely located from said home location to the media peripheral at **the first geographic location** for playback on said media peripheral,” as recited in independent claim 21. *See id.* at page 12.

Thus, for at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to any of claims 1-6, 8-15 and 17-24. The proposed combination of McKenna and Sonicblue does not render claims 7, 17, 25 and 26 unpatentable for at least these reasons, as well.

The Applicants also respectfully submit that the Office Action has not established a *prima facie* case of unpatentability with respect to claims 27-34. *See* April 28, 2009 Amendment at pages 13-14.

Accordingly, the Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn.

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The Commissioner is authorized to charge any necessary fees, including the \$40 fee for the Notice of Appeal (**the Applicants previously paid \$500 for a Notice of Appeal on July 17, 2007**), or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: November 12, 2009

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